

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-13122

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT June 7, 2006 THOMAS K. KAHN CLERK

D. C. Docket No. 04-00025-CV-4

BRIAN DUNN,

Plaintiff-Appellant,

versus

CSX TRANSPORTATION, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(June 7, 2006)

Before TJOFLAT, BARKETT and HILL, Circuit Judges.

PER CURIAM:

After considering the parties' briefs and entertaining oral argument, we affirm the district court's judgment. For the reasons stated in the court's May 26,

2005 order granting appellee summary judgment, the record is insufficient to make out a claim under either count of appellant's complaint.

AFFIRMED.